

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

SLUSH PUPPIE LIMITED,

Plaintiff,

v.

THE ICEE COMPANY,

Defendant.

CASE NO. 1:19-cv-00189-MRB

Judge Michael R. Barrett

**CONSENT MOTION FOR  
AMENDMENT OF POST-HEARING BRIEFING SCHEDULE**

The ICEE Company respectfully moves for amendment of the schedule for filing post-injunction briefs. This is the second motion to amend the schedule. Undersigned counsel has conferred with counsel for SPL, and SPL consents this motion. The received the portion of the transcript from the hearing on August 30, 2021 covering the afternoon's testimony last week, but only received the remainder of the transcript yesterday evening. Additionally, ICEE's counsel has an in-person commitment in New York on Wednesday, which is the current deadline for ICEE to file its opening post-hearing brief. To accommodate counsel's commitment and provide time for ICEE to incorporate the remainder of the transcript into its briefing, ICEE seeks an extension of the current schedule by two days, as follows:

- **September 17, 2021:** ICEE Post-Hearing Brief
- **September 29, 2021:** SPL Post-Hearing Brief
- **October 1, 2021:** ICEE Reply Brief

Dated: September 14, 2021

Respectfully submitted,

**DUANE MORRIS LLP**

BY: /s/David J. Wolfsohn

David J. Wolfsohn (*admitted pro hac vice*)

Tyler R. Marandola (*admitted pro hac vice*)

30 South 17th Street

Philadelphia, PA 19103

Tel.: (215) 979-1000

Fax: (215) 979-1020

[djwolfsohn@duanemorris.com](mailto:djwolfsohn@duanemorris.com)

[tmarandola@duanemorris.com](mailto:tmarandola@duanemorris.com)

Kenneth M. Argentieri (Ohio Bar No. 0067493)

Trial Attorney

600 Grant St., Ste. 5010

Pittsburgh, PA 15219

Tel.: (412) 497-1000

Fax: (412) 497-1001

[kmargentieri@duanemorris.com](mailto:kmargentieri@duanemorris.com)

*Attorneys for Defendant, The ICEE Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2021 I served the foregoing document on counsel of record by CM/ECF.

BY: /s/ Tyler Marandola  
Tyler Marandola